

**REMARKS**

Claims 1 – 3, 5 – 10, 12, 13, 15, 20, 21, and 23 – 27 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 6,453,083 (“Husain”); and Claims 16 – 19 stand rejected under 35 U.S.C. §103(a) as unpatentable over Husain in view of U.S. Pat. No. 6,097,859 (“Solgaard”).

The Office Action relies on Fig. 13 of Husain and related description. Fig. 13 illustrates a configuration that uses WDM micromirrors that may or may not reflect a particular wavelength depending on a state of a respective WDM micromirror (Husain, Col. 12, ll. 22 – 27). Thus, with the configuration shown in Fig. 13, light from a particular input fiber, say the leftmost input fiber, may have different wavelengths directed differently according to states of the WDM micromirrors 1320 that are in a linear path of the light emanating from that input fiber. Depending on those states, light of a given wavelength may be directed into any one of the left output fibers (i.e. those fibers oriented at 90° to the input fibers) or may continue along the linear path to be received by the top output fiber that is in line with the input fiber. That is, if light from a given input fiber is directed to one of the output fibers at the top of the page, it must be directed to the output fiber that is in line with the given input fiber. The configuration described in connection with Fig. 13 does not enable light from a given input fiber to be routed to any other of the upper input fibers.

Accordingly, with the Office Action’s identification of the upper output fibers in Fig. 13 as corresponding to the recitation of “a plurality of output ports” in the claims, it appears that the Office Action is construing the claims as not requiring the optical switching arrangement to be capable of directing light from a particular input port to *different* output ports. Independent Claims 1, 15, and 25 have been amended to preclude such an interpretation. The optical switching arrangement recited in the claims has the capability of directing an optical signal received from an input port to *different ones* of the output ports in accordance with its state. Such a feature is neither taught nor suggested by Husain. It is believed that no amendments are

necessary to Claim 8 since Applicant can discern no reading of Claim 8 that would read on an arrangement that directs light from an input port always to the same output port.

Certain additional differences from Husain are noted with respect to certain other independent claims. Claim 8 requires “angularly separating the spectral bands with a dispersive element.” No dispersive element is disclosed in connection with Fig. 13 of Husain, nor any other mechanism for angular separation. The separating of different wavelengths is instead achieved in Husain with states of the WDM micromirrors being configured to reflect only certain wavelengths (Husain, Col. 12, ll. 24 – 27). Claim 15 similarly recites a dispersive element that is not disclosed in Husain. Claim 25 requires that “each such output port [be] configured to receive the optical signal along a respective output path that is substantially parallel to and opposite in direction to the input path” (emphasis added). No such configuration is disclosed in Fig. 13 of Husain, which instead shows signals being received by the output fibers only in a direction that is in the same direction as the input path.

For these reasons, each of the independent claims is believed to be patentable over Husain, and the dependent claims are believed to be patentable by virtue of their dependence from patentable claims.

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Amdt. dated September 13, 2004  
Reply to Office Action of August 13, 2004

PATENT

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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